

From: Art Hilgart
To: Microsoft ATR
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Subject: Microsoft settlement

I urge the breakup of the MS operating system and applications into two firms, along with compulsory licensing of all MS software, now and in the future.

Patents are intended to reward temporarily inventions not obvious to others. They are not grants of permanent monopoly, nor should they be.

Academics and journalists rushing to defend Microsoft and disparage the Justice Department display stronger ideologies than memories. Bill Gates is not an innovator serving millions of computer users as he and his defenders would have us believe, but the incredibly lucky exploiter of a monopoly he has kited into scores of billions of dollars for himself.

When the personal computer was no bigger than a breadbox, IBM saw little future for the device and entered the market with assemblies of purchased innards. To run programs, a computer needs a controlling operating underbase, and when Bill Gates and Paul Allen falsely told IBM that they had such a system, IBM thoughtlessly contracted with them to license it for their desktop diversion. Gates and Allen then proceeded to buy one of the many such programs that had been written by hobbyists and others. With the help of his attorney father, young Gates acquired Q-DOS from its hapless inventor for a few dollars of his father's money and changed its name from "Quick-and-Dirty-Operating System" to "Microsoft Disc Operating System", or MS-DOS. This cloud no bigger than a man's hand consisted of two programs: COMMAND.COM and CONFIG.SYS with a combined size of less than 100kb. As it happened, IBM salesmen were as adept at selling PCs to business offices as they had been at selling electric typewriters, and DOS became the industry standard. Because IBM did not buy the system outright and because intellectual property law confers a monopoly on the system and its interminable upgrades, Gates now has control of most personal computers in the world.

Nearly all application programs are written for DOS or its successor, Windows, so buyers of IBM-type computers must also buy a Microsoft operating system, and since most computers are now based on an MS system, application software designers must write Windows-based programs if they are to sell many copies. Others are free to design non-Microsoft operating systems, but these are useless in the absence of applications, and applications won't be written for systems not already in wide use. Because of this circularity and constant upgrades conferring perpetuity to MS patents and copyrights, Bill Gates is the proud possessor of an unshakeable monopoly.

This is enough for antitrust attention, but there is more. I recently

bought a new custom-built computer from Gateway 2000. In addition to the ineluctable Windows, the package included Microsoft Excel, Word, and Explorer. When I told the consultant I wanted the WordPerfect/Quattro Pro/Netscape suite, I was told that Gateway's contract with Microsoft required that they sell and install these Microsoft applications with the necessary Windows. Even were I to take the Microsoft programs and pay extra for the WordPerfect suite, they could not sell it or install it. I bought the WordPerfect programs directly from Corel and installed them myself, but most consumers probably just use the Microsoft programs that come with new computers, extending Microsoft's control into the applications field.

Gates did not write DOS, and his staff copied the Windows user interface from Apple. The Microsoft programs I had to buy but do not use are not marvelous innovations, they too are imitations. Word was copied from WordPerfect, Explorer from Netscape, Excel from Lotus, and Money from Quicken. The dominant shares that the Microsoft ripoffs now command in the applications field are entirely due to Gates's use of the essential Windows to fob off his imitations as part of a bundle.

The success of Windows is not due to its elegance. The bloated, slow, and unwieldy system continually requires purchase of bigger and faster hardware. There are innumerable bugs and customer service is mediocre and expensive. A common "solution" to a problem is a recommendation to back up everything externally, unload all programs, reformat the hard drive, and start over. Of course, upgrades will eventually correct the errors but carry a new generation of bugs. Octopus like, moreover, Windows has a tendency to sabotage rival software and reset configurations to use MS programs as defaults.

Gates and his cheering section bemoan that the Justice Department is about to cause irreparable harm to millions of computer users. Since Microsoft has contributed approximately nothing to the nation besides a fiendishly clever business plan, the consumers don't need to worry.

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